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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 ADNAND RATHOD and AESHA
9 RATHOD, individually, and Joshua
10 Brothers as Guardian ad Litem for PR, a
11 minor,

12 Plaintiffs,

13 v.

14 PROVIDENCE HEALTH & SERVICES,
15 d/b/a PROVIDENCE REGIONAL
16 MEDICAL CENTER and/or
17 PROVIDENCE HOSPITAL OF
18 EVERETT, a Washington corporation,
19 DANA BLACKHAM, MD, individually,
20 UNITED STATES OF AMERICA, and
21 JOHN/JANE DOES 1-50,

22 Defendants.

Case No. 2:20-cv-00064-RSL

ORDER GRANTING MOTION
TO COMPEL DISCOVERY FROM
PLAINTIFFS AND TO EXTEND THE
DEPOSITION OF AESHA RATHOD

18 This matter comes before the Court on “The United States’ Motion to Compel Discovery
19 from Plaintiffs and to Extend the Deposition of Aesha Rathod.” Dkt. # 57. The other defendants
20 have joined in portions of the motion. Dkt. # 59 and Dkt. # 60. The Court, having reviewed the
21 memoranda, declarations, and exhibits submitted by the parties, finds as follows:

22 Rule 26 of the Federal Rules of Civil Procedure governs the permissible scope of discovery
23

24 ORDER GRANTING MOTION TO COMPEL DISCOVERY
FROM PLAINTIFFS AND TO EXTEND THE DEPOSITION OF
AESHA RATHOD - 1

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2 in federal civil litigation. Rule 26(b) sets forth the threshold requirements that information sought
3 to be discovered must appear “relevant to any party’s claim or defense and proportional to the
4 needs of the case” Relevant information is “any matter that bears on, or that reasonably could
5 lead to other matter that could bear on, any issue that is or may be in the case.” *Oppenheimer Fund,*
6 *Inc. v. Sanders*, 437 U.S. 340, 351 (1978). Proportionality is evaluated in light of “the importance
7 of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant
8 information, the parties’ resources, the importance of the discovery in resolving the issues, and
9 whether the burden or expense of the proposed discovery outweighs its likely benefit.” Fed. R.
10 Civ. P. 26(b)(1).

11 If the threshold requirements of Rule 26(b), namely relevance and proportionality, appear
12 to be satisfied, discovery may nevertheless be limited under Rule 26(c), which provides courts
13 with the authority to issue, for good cause, a protective order to prevent “annoyance,
14 embarrassment, oppression, or undue burden or expense.” To establish good cause under Rule
15 26(c), the movant must show “‘that specific prejudice or harm will result’ if the protective order
16 is not granted.” *In re Roman Catholic Archbishop of Portland in Or.*, 661 F.3d 417, 424 (9th Cir.
17 2011) (quoting *Foltz v. State Farm Mut. Ins. Co.*, 331 F.3d 1122, 1130 (9th Cir. 2003)). *See also*
18 *Bechman Indus., Inc. v. Int’l Ins. Co.*, 966 F.2d 470, 476 (9th Cir. 1992) (“Broad allegations of
19 harm, unsubstantiated by specific examples or articulated reasoning, do not satisfy the Rule 26(c)
20 test.”).

21 Plaintiffs, as the parties resisting discovery, bear the initial burden of making a specific
22 objection and either raising an inference that the discovery fails the proportionality calculation
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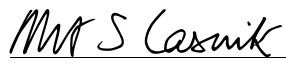
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2 mandated by Rule 26(b) or showing that they will suffer “annoyance, embarrassment, oppression,
3 or undue burden or expense” if the discovery is allowed to proceed. *See Llera v. Tech Mahindra*
4 *(Americas) Inc.*, No. C19-0445RSL, 2021 WL 2400752, at *3 (W.D. Wash. June 11, 2021); *Moser*
5 *v. Health Ins. Innovations, Inc.*, No. 17CV1127-WQH(KSC), 2019 WL 2271804, at *6 n.3 (S.D.
6 Cal. May 28, 2019). They have not satisfied their burden.

7 The United States’ motion is therefore GRANTED. Plaintiffs are ordered to provide
8 complete responses, including sworn verifications, within twenty-one (21) days of this Order to
9 the following discovery propounded by the United States:

- 10 a) Interrogatory Nos. 1-12, Requests for Production Nos. 1-7, 9 to Aesha
11 Rathod,
12 b) Interrogatory Nos. 1-7, Requests for Production Nos. 1-7, 9 to Anand
13 Rathod,
14 c) Interrogatory Nos. 1-6, Requests for Production Nos. 1, 3-5 to P.R.

15 Plaintiffs shall provide executed medical record releases in the forms proposed by the United
16 States (Dkt. # 58-9 at 3-17), identifying all medical providers from 2017 onwards, within fourteen
17 (14) days of this Order. In addition, Aesha Rathod shall sit for an additional 4 hours of continued
18 deposition after plaintiffs provide complete responses as ordered above and before the close of
19 discovery.

20 DATED this 21st day of June, 2021.

21 
22 ROBERT S. LASNIK
23 United States District Court Judge